

Memorandum of Understanding
for
Planning Coordination and Cooperation
between
The Puget Sound Regional Council
and
Central Puget Sound Regional Transit Authority (Sound Transit);
Snohomish County Public Transportation Benefit Area Corporation;
City of Everett, Transportation Services;
King County Metro;
Kitsap Public Transportation Benefit Area Authority;
Pierce County Public Transportation Benefit Area Authority; and
City of Seattle

October 2009

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PARTIES and RECITALS

This Memorandum of Understanding (MOU) is entered into as of the 22 day of October, 2009, by and between the Puget Sound Regional Council, hereinafter called PSRC, and the six following local public transit agencies, which shall hereinafter be collectively called LPTAs: Snohomish County Public Transportation Benefit Area Corporation (**Community Transit**), City of Everett Transportation Services (**Everett Transit**), King County Department of Transportation (**King County Metro**), Kitsap Public Transportation Benefit Area (**Kitsap Transit**), Pierce County Public Transportation Benefit Area Authority (**Pierce Transit**), and City of Seattle (**Seattle Monorail Services and Seattle Streetcar**); and the Central Puget Sound Regional Transit Authority for its designated service area within King, Pierce and Snohomish counties, hereinafter called **Sound Transit**.

WHEREAS, the PSRC's Interlocal Agreement for Regional Planning in the Central Puget Sound Area, originally executed in 1991 and amended in 1993 and 2003, established the Puget Sound Regional Council, as provided under various state and federal statutes, to be responsible for development and maintenance of the following: (a) the regional growth and transportation strategy referred to as VISION 2040; (b) the multicounty planning policies [RCW 36.70A.210(7)]; (c) the state mandated regional transportation plan (RCW 47.80.030); and (d) the nearly identical federally mandated multimodal Metropolitan Transportation Plan as prescribed in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, Aug. 10, 2005, 23 USC §101 note (SAFETEA-LU), and 23 CFR 450 and 49 CFR 613; and

WHEREAS, the LPTAs (RCW 35.58 or 36.57 or 36.57A or 35.95A) and Sound Transit (RCW 81.104 and 81.112) have been authorized by public vote and state law to plan, fund, develop, and operate a public transportation system serving the people of the central Puget Sound region; and

WHEREAS, the LPTAs are periodically updating their comprehensive transit system plans as required by state law in cooperation with local agencies in their respective service areas and Sound Transit, the Washington State Department of Transportation (WSDOT), and PSRC, to assure that their public transportation services and facilities that are deemed regionally significant are consistent with PSRC's Metropolitan Transportation Plan (MTP) for subsequent inclusion in PSRC updates of the MTP; and

WHEREAS, it is desirable and consistent with the federal requirements to formalize the involvement of transit operators in the metropolitan transportation planning process to support implementation of VISION 2040 and the intent of federal and state transportation statutes to provide a greater emphasis on urban transit services to improve alternative travel options to reduce the growing dependency on single occupant automobile travel in urban areas; and

WHEREAS, PSRC, the LPTAs, and Sound Transit desire and intend to support and help assure cooperative and well integrated multimodal transportation planning and programming between all agencies in the central Puget Sound region;

NOW, THEREFORE, the parties to this MOU agree and covenant as follows:

SECTION 1: PURPOSE

This MOU is intended to provide a framework for cooperative transportation planning between the parties, avoid duplication of effort, and optimize public transportation planning and investments in support of local, countywide, and multicounty growth management policies and objectives in the central Puget Sound region. In addition to such cooperation and coordination being in the public interest, this MOU also satisfies federal regulations requiring such an agreement between PSRC (in its role as the designated metropolitan planning organization or "MPO") and the LPTAs and Sound Transit (as local and regional public transit agencies) to specify cooperative procedures for conducting transportation planning (including corridor and subarea studies) and programming.

This MOU is also intended to facilitate a close working relationship and regular communication between PSRC, the LPTAs, and Sound Transit policy bodies and staff in order to avoid disputes and to facilitate the performance of their respective public responsibilities.

SECTION 2: DEFINITIONS

The following terms used in this MOU shall have the meanings set forth in this section and as now or hereafter defined in the referenced federal or state statutes or regulations:

- A. Central Puget Sound Region** means the area within the counties of King, Kitsap, Pierce, and Snohomish in the State of Washington.
- B. Certification** is a statement of verification that local or countywide plans and policies are consistent and coordinated with the adopted regional transportation plan and multicounty policies (RCW 47.80.023).
- C. Consistency** is a condition in which plans and policies affecting the area within the regional agency's jurisdiction are compatible and mutually reinforcing. Consistency is achieved when these plans, taken together, meet state requirements for consistency in local, regional, and state plans (RCW 47.06.040, RCW 47.80.023 and RCW 36.70A). Pursuant to RCW 81.104.080 (Regional Transportation Planning), PSRC will review regional high capacity transit proposals for conformance with the regional transportation plan and associated regional development strategies.
- D. Consultation** means that one party confers with another identified party and, prior to taking action(s), considers that party's views and informs the other party about action(s) taken (23 CFR 450.104).
- E. Cooperation** means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective (23 CFR 450.104).

- F. Coordination** or to coordinate with means the cooperative development of plans, programs, and schedules among agencies or entities with legal standing; and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate (23 CFR 450.104).
- G. High Capacity Transit System** means a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating in general purpose roadways (RCW 81.104.015). The regional transit system in this MOU means the same as the regional high capacity transit (HCT) system and its related financing plan, which is under the jurisdiction of Sound Transit pursuant to Chapters 81.112 and 81.104 RCW.
- H. Metropolitan Planning Organization (MPO)** means the forum for cooperative transportation decision making for a metropolitan planning area (23 CFR 500.103). Federal laws (23 USC 134 and 49 USC 5303, as amended) require that the MPO designated for each urbanized area carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution; and encourages continued development and improvement of metropolitan transportation planning processes guided by the planning factors set forth in 23 USC 134(h) and 49 USC 5303(h) (23 CFR 450.300).
- I. Metropolitan Transportation Plan (MTP)** means the federally required multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process for the metropolitan planning area (23 CFR 450.104, 450.320 and 450.322). Such a plan shall lead to the safe and efficient development, management, and operation of an integrated multimodal transportation system that facilitates the efficient, economic movement of people and goods (23 CFR 450.300 and 450.322). The Metropolitan Transportation Plan is also the same plan required by the State of Washington Growth Management Act (GMA) and state legislation for Regional Transportation Planning Organizations, which refers to such a plan as a Regional Transportation Plan (RCW 47.80.030).
- J. Project Selection** means the procedures followed by PSRC, WSDOT, and local general purpose governments, including public transportation operators, to advance projects from the first four years of an approved Regional Transportation Improvement Program

(TIP), and/or State Transportation Improvement Program (STIP) to implementation, consistent with federal regulations (23 CFR 450.104, 23 CFR 450.220, 23 CFR 450.324, and 23 CFR 450.330).

- K. Public Transportation System Plan** means the long-range general comprehensive transit plan for public transit service as required by the state for the establishment and ongoing funding of Sound Transit and LPTAs. Such a comprehensive public transit plan includes, but is not limited to, levels of service that can be reasonably provided within service benefit area, identification of funding requirements, and impact of a transportation program on other LPTAs operating within that county or adjacent counties.
- L. Regionally Significant Projects** mean a transportation project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulation (40 CFR part 93) and (WAC 173-420-070)) that is on a facility that serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals) and would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer a significant alternative to regional highway travel (23 CFR 450.104).
- M. Regional Transportation Plan (RTP)** is the regional transportation plan required of the Regional Transportation Planning Organization (RTPO) under state legislation (RCW 47.80.030). The state RTP requirement is met by and referred to as the Metropolitan Transportation Plan (MTP).
- N. Regional Transportation Planning Organization (RTPO)** is the agency authorized under state law (RCW 47.80) to develop and adopt a regional transportation plan, and to certify that the transportation element of local comprehensive plans conform to requirements of state law and are consistent with the regional transportation plan. PSRC is both the RTPO and MPO for the central Puget Sound region. PSRC's transportation planning process and transportation plans are intended to meet both state and federal transportation planning and programming mandates. Kitsap County is in two RTPOs: PSRC and Peninsula. Kitsap Transit participates in planning documents in the two RTPOs, although all financial related coordination and funding occurs only in PSRC as part of this MOU.
- O. Right-of-Way Preservation Process** is a process intended to assure coordination of state, regional, and high capacity transit system planning and development with local land use planning. This process involves various roles for PSRC, serving as the coordinator, WSDOT, Sound Transit, appropriate cities and counties, and appropriate LPTAs to identify future potential regional transportation system corridor needs and achieve preservation of right-of-way for planned transportation improvements along

such identified transportation corridors (RCW 81.104.080).

- P. Transportation Improvement Program (TIP)** means a prioritized listing and or program of transportation projects covering a period of four years that is developed and formally adopted by PSRC as part of the metropolitan transportation planning process, consistent with the MTP, and required for projects to be eligible for funding under Title 23 USC and Title 49 USC Chapter 53 (23 CFR 450.104). The TIP is incorporated as part of the State TIP (23 USC Sec. 134 [a] [3] and 135 [f]). The TIP is submitted to appropriate federal funding agencies for approval (23 CFR 450.328).
- Q. Transportation Planning Study** means a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process (23 CFR 450.318(a)). Transportation planning studies shall be undertaken to develop or refine the regional transportation system elements of the Metropolitan Transportation Plan (MTP) and lead to decisions by PSRC in cooperation with WSDOT, and other participating agencies, on the design, concept, and scope of the investment (23 CFR 450.318). To the extent practicable, transportation planning studies undertaken by WSDOT for its WSDOT projects or programs shall involve consultation with, or joint efforts among, PSRC as provided by federal regulations. Results of such transportation planning studies may be used as part of the overall project development process.
- R. Unified Planning Work Program (UPWP)** means a statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of the funds (23 CFR 450.104).

SECTION 3: ORGANIZATIONAL ROLES AND RESPONSIBILITIES

The parties agree to cooperation, consultation, and coordination with each other as follows:

A. Transportation Planning

Sound Transit and the LPTAs shall consult with PSRC in the development and modifications of each respective agency's transit system and financing plan to assure consistency with PSRC's development, refinement, and maintenance of its Metropolitan Transportation Plan (MTP). PSRC shall similarly consult with Sound Transit and all LPTAs for development and updating of PSRC's MTP to assure consistency with the adopted system and financing plan for Sound Transit and each LPTA. PSRC, Sound Transit, and the LPTAs will cooperate with each other (and include the Washington State Department of Transportation, WSDOT, and other parties as appropriate) to identify those regional projects and programs that might serve as common elements for any regional and or locally sponsored major metropolitan transportation investment studies, which must be undertaken to achieve regional transit system implementation objectives. PSRC, Sound Transit, and the LPTAs shall also coordinate their system planning activities to assure achievement of mutually compatible and coordinated land use, and high capacity and

conventional transit system plans. This latter activity shall include cooperation with local agencies in development and refinement of their comprehensive plans, including participation in an appropriate right-of-way preservation review process pursuant to state requirements (RCW 81.104.080) and consistent with adopted PSRC and Sound Transit policies for mutual cooperation with local government for High Capacity Transit (HCT) system station area planning.

1. PSRC Emphasis on Multimodal Comprehensive System Planning

PSRC is generally responsible for coordinating comprehensive system and multimodal transportation planning in cooperation with local governments, transit operating agencies, the Washington State Department of Transportation (WSDOT), and port districts within the central Puget Sound region. (SAFETEA-LU 23 USC Sec. 134[c]; 23 CFR 450.310[a]; RCW 47.80.030[1][b] and [3][c]).

PSRC's transportation planning will be supportive of and integrated with local, countywide, and multicounty growth management policies, and Washington State Transportation System Plan policies (23 CFR 450.306 and 23 CFR 450.316 and RCW 47.80.030 [1][b]). In its planning processes, PSRC shall include policy coordination with Sound Transit and LPTAs to achieve integrated and supportive efforts in development of the annual Unified Planning Work Program (UPWP), ongoing development and maintenance of the Metropolitan Transportation Plan (MTP), and development and maintenance of the Regional Transportation Improvement Program (TIP). PSRC's MTP shall incorporate and periodically update a regional financial plan, with no less than a 20-year planning horizon, as required by 23 CFR 450.322[f](10) and RCW 47.80.030. This financial plan includes Sound Transit's and LPTAs' financial needs for the implementation of the respective Sound Transit and LPTA system plans that supports their respective service area's comprehensive plan for public transit service and respective six-year transit plans (RCW 35.58.240 or RCW 36.57A.060).

2. Sound Transit and LPTA Emphasis on System and Operations Planning

Each public transportation operator is responsible for developing and implementing its comprehensive transit system plan that is consistent with the regional MTP. The overall implementation plan for the regional transit system element in the MTP will be cooperatively maintained by all parties to this MOU as a major component of PSRC's multimodal Metropolitan Transportation Plan and shall include consideration of short- and long-range transit system needs as identified in each public transportation operator's six-year transit plan.

3. Cooperation on Regionally Significant Transportation Projects

Sound Transit, the LPTAs, and PSRC shall cooperate on the conduct and completion of appropriate major metropolitan transportation investment studies for corridors and or subareas to assure effective integration of long- and short-range planning and implementation programming to support growth management plans and policies within the central Puget Sound region.

4. Cooperation on Transportation Management Systems

PSRC, in cooperation with WSDOT, and as part of the metropolitan transportation planning process, will consult with Sound Transit and the LPTAs on public transportation service and facility issues in developing and implementing a congestion management system for the central Puget Sound region. The purpose of the congestion management system is to provide for the effective management of the region's existing and new transportation facilities through an informational planning process that supports travel demand reduction and operational strategies to manage traffic and enhance mobility (23 CFR 500.109). PSRC supports coordination between Sound Transit, LPTAs, and WSDOT in the development and implementation of other required or optional management systems that are under state responsibility [23 CFR 500.105 (c)]. Sound Transit and the LPTAs and PSRC agree to cooperate with WSDOT to assure that the information resulting from each management system will, as appropriate, be considered in the development of the statewide transportation plan or the Metropolitan Transportation Plan, and in development of the State Transportation Improvement Program, and the Regional Transportation Improvement Program; and in making project selection decisions [23 CFR 500.105 (d)].

5. Regional Data Coordination

To help assure consistency in planning activities, PSRC shall periodically provide Sound Transit and the LPTAs with current and forecasted demographic, economic, transportation, and other appropriate data as is mutually agreed upon by all parties. Such data requests will be coordinated and processed according to PSRC's established data request policy.

An integral part of the development and maintenance of the MTP shall be a coordinated and consistent monitoring of the performance of the regional transportation system (RCW 47.80.030). Sound Transit, the LPTAs, and PSRC agree to cooperate and coordinate in the collection, analysis, and dissemination of data in support of the development, maintenance, and use of the management systems; and in support of the development and maintenance of the region's transportation plan.

6. Cooperation on Coordinated Public Transit-Human Services Plan

Sound Transit, the LPTAs, and PSRC shall cooperate on the development and maintenance of a coordinated public transit-human services plan as required by federal law. This plan will be adopted through a process that includes representatives of public, private, and nonprofit transportation and human service providers and participation by the public. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively, and any recommended programs or projects identified by the agency council on coordinated transportation, as provided in chapter 47.06B RCW, that advance special needs coordinated transportation as defined in RCW 47.06B.012.

B. Programming—Regional Transportation Improvement Program (TIP)

1. Puget Sound Regional Council, PSRC

- a. Regional Transportation Improvement Program (TIP).** Consistent with 23 CFR 450.324, Development and Content of the Transportation Improvement Program (TIP), PSRC, in cooperation with Sound Transit, LPTAs, WSDOT, and local general purpose governments, is responsible for developing, adopting, and maintaining an approved multi-year regional TIP of all prioritized projects that have been approved and programmed by PSRC for federal funding, after having been found consistent with the MTP and applicable state and federal planning and air quality requirements. PSRC must include all regionally significant projects whether or not federal funding is used. PSRC must also list regionally significant planning projects in the TIP and the Unified Planning Work Program.

Where applicable within the context of PSRC's federal or state project programming authority, project and program implementation for the high capacity transit system shall favor cities and counties with comprehensive plans compatible with the development and implementation of the regional high capacity transit system plan (RCW 81.104.080).

- b. Cooperative Right-of-Way Preservation Review Process.** PSRC will support future implementation of the regional public transportation system components adopted in the MTP by working with Sound Transit, the LPTAs, and WSDOT on a cooperative right-of-way review process to identify potential future right-of-way needs to support future transportation corridor development projects in the central Puget Sound region. This process will be consistent with, and to the extent practical, coordinated with the required right-of-way preservation review process for high capacity transportation [RCW 81.104.080 (5)]. PSRC, in cooperation with WSDOT, Sound Transit, and the LPTAs, will develop a right-of-way preservation review process to support regional transit and roadway system corridor developments consistent with state requirements for regional transportation planning [RCW 81.104.080 (5)]. This process shall incorporate opportunities to assure effective coordination with local comprehensive plans through (1) the PSRC's plan certification and consistency reviews of local transportation plan elements (RCW 47.80.030), and (2) the listing of locally nominated right-of-way preservation projects proposed for regional TIP funding to support the high capacity transit (HCT) program and implementation of the Metropolitan Transportation Plan.

2. Sound Transit and the LPTAs

- a. Regional Transportation Improvement Program (TIP).** Sound Transit and the LPTAs may submit applications to PSRC (annually or as PSRC's TIP schedule may require) for public transportation planning and system implementation projects for

consideration for funding and inclusion in the regionally prioritized TIP. PSRC shall give such applications full and fair consideration and emphasis commensurate with the importance assigned to the planning and implementation of a high capacity transportation system for the region in RCW 81.112.010 and for the implementation of the transit component of the Metropolitan Transportation Plan as required by RCW 47.80.030(1).

- b. Cooperative Right-of-Way Preservation Review Process.** Sound Transit and the LPTAs will cooperate with PSRC in development and implementation of a right-of-way review process noted above and will respond to requests from PSRC or local governments for review of potential development proposals or proposed land use zoning actions that may be relevant to right-of-way preservation, high capacity transit (HCT) development, or other regional transportation system development concerns, except that nothing in this MOU shall be construed as limiting or waiving Sound Transit's or any LPTA's rights to exercise its police power or to preclude exercising such regulatory power in connection with this MOU. Subsequent to such joint reviews, Sound Transit, the LPTAs, PSRC and other local government participants in the right-of-way review process may cooperate in seeking opportunities to protect and secure actual rights-of-way needing preservation to assure the integrity and continuity of the future HCT system plan or regionally significant essential transportation facilities identified in the respective system plans of Sound Transit and the LPTAs, which are incorporated in PSRC's MTP.

C. Public Involvement

The Puget Sound Regional Council conducts outreach using its adopted Public Participation Plan, which meets federal and state requirements under SAFETEA-LU, and Washington's Growth Management Act (GMA) and State Environmental Policy Act (SEPA). PSRC also fully complies with the Civil Rights Act of 1964, Executive Order 12898, and the Americans with Disabilities Act (ADA). PSRC requires project sponsors receiving federal funds through PSRC to certify annually that they are meeting all federal, state, and local requirements in their operations. PSRC will work with its member organizations to coordinate public information efforts and seek joint opportunities for public involvement as needed.

SECTION 4: OTHER SERVICES

Any Party to this MOU may from time to time enter into additional agreements with each other for purposes and services determined to be mutually beneficial. PSRC agrees to give timely and fair consideration to requests for assistance from Sound Transit and any of the LPTAs.

SECTION 5: AMENDMENTS AND MODIFICATIONS

Any Party to this MOU may request changes to this MOU at any time by written notice to the other individuals identified in Section 12 of this MOU. Such changes as are mutually agreed upon by and between the parties shall be incorporated in written amendments to this MOU executed in the same manner as original MOU approval.

SECTION 6: POLICY DEVELOPMENT COORDINATION

A. Board Relations

PSRC, Sound Transit, and the LPTAs intend to cooperate closely in the development of their respective policies, plans, and programs and to actively seek cooperative consultation on issues of major public importance. To that end, PSRC, Sound Transit, and the LPTAs agree to the following:

1. Reporting

PSRC, Sound Transit, and the LPTAs agree to encourage timely and appropriate briefings before their respective policy boards to explain progress, have discussions, and seek input on their respective activities which relate to each party's interests or responsibilities.

2. Representation

As directed by federal and state laws [23 CFR 450.310, RCW 47.80.040, and RCW 47.80.60], and to facilitate cooperation and coordination on matters of mutual interest, PSRC shall include, as voting members, local general purpose government elected officials representing Sound Transit and the LPTAs on the PSRC's General Assembly, Executive Board, and Transportation Policy Board. The specific numbers for such representation shall be consistent with state statutes and established PSRC procedures, including the PSRC's Interlocal Agreement and Bylaws, for determining composition of these bodies.

Sound Transit and LPTAs are each entitled to one representative (the Executive Director or his/her designated representative) on PSRC's Transportation Operators Committee (TOC). Representatives from Sound Transit, local public transit agencies, and WSDOT's Marine and Public Transportation divisions comprise the Transportation Operators Committee. The TOC was established to provide a forum to cooperatively carry out regional public transportation planning as part of the MPO/RTPO planning and programming process, and to address interagency issues, exchange information, and to advise the Transportation Policy Board on public transportation planning and

programming matters.

B. Planning Coordination

In an effort to coordinate the agencies' planning efforts as efficiently as possible, PSRC, Sound Transit, and the LPTAs, in cooperation with WSDOT, agree as follows [23 CFR 450.314 (a) and RCW 48.80.023]:

1. Procedures for UPWP and Financial Support

PSRC shall cooperatively develop a Unified Planning Work Program (UPWP) on an annual or biennial basis that describes all public transportation and major transportation-related planning activities for the next one- or two-year period, regardless of funding sources or agencies conducting the activities. PSRC will prepare a UPWP and budget that outlines PSRC's work activities to be conducted, the schedule for completion, and the products that will be produced. A draft UPWP will be completed for review by all of the above on or before March 1 each year for the following fiscal year.

In consultation with the parties to this MOU, PSRC's Executive Board shall establish the annual budget for the Unified Planning Work Program (UPWP) that shall continue to support public transportation issues. Prior to PSRC's adoption of its given Fiscal Year Budget and Work Program in March, proportional allocation assumptions will be determined by mutual agreement of all parties to this MOU. Annual or biennial assessments will be paid on July 1 of each year.

The final UPWP and budget shall be adopted by PSRC and submitted to WSDOT prior to April 1 preceding the start of each fiscal year. If amendments to an annual or biennial UPWP are desired at any time by any parties to this agreement, all parties that could be impacted by any such proposed amendments shall be consulted prior to any PSRC action on such amendments. The UPWP and budget may be amended at any time by PSRC in accordance with its adopted operational procedures when such amendments do not require changes to LPTA or Sound Transit assessments, pending approval by WSDOT, FTA, and FHWA.

2. Procedure for MTP and VISION 2040 Updates

When PSRC determines that an update of either VISION 2040 or the MTP is necessary, it will notify Sound Transit and the LPTAs in writing. This notification shall include information regarding both the process and the schedule that PSRC intends to follow for making the MTP update. PSRC will consult and coordinate with the LPTAs, WSDOT, and Sound Transit as PSRC develops potential modifications to the MTP. The development and update of the MTP will also be coordinated with other transportation providers, including regional airport sponsors, maritime port operators, rail freight operators, etc. [23 CFR 450.316 (b)].

3. Procedure for Transit System and Operational Plan Update

Sound Transit and the LPTAs are responsible for developing and implementing a public transportation system and financing plan that is consistent with the Metropolitan

Transportation Plan and local comprehensive plans. When any or all of the LPTAs and or Sound Transit determine that an update or modification to comprehensive public transportation plan(s) is(are) necessary, the LPTA and/or Sound Transit will notify PSRC in writing. This notification will include both the process and schedule that the LPTA and Sound Transit intends to follow. Sound Transit and the LPTAs agree to consult with PSRC and coordinate with local general purpose governments during the planning process to assure continued consistency with the MTP. Sound Transit and the LPTAs will provide written notification to PSRC of system plan updates.

4. Procedure for Development of Regional and State TIPs

On a timeline consistent with state and federal law, PSRC shall cooperatively develop and/or update a central Puget Sound Regional TIP for all regionally significant transportation projects regardless of funding source. This financially constrained Regional TIP shall be developed through a collaborative process involving regional and subregional forums that include representation of WSDOT, public transit and port interests. In accordance with federal regulation, the development of PSRC's Regional TIP will also be coordinated with other transportation providers, including regional airport sponsors, maritime port operators, rail freight operators, etc. [23 CFR 450.316 (b)]. When building a new regional TIP, PSRC will provide to WSDOT, on an agreed upon schedule, the regional TIP with supporting documentation for incorporation into the state TIP and federal and state approvals.

5. Procedures for Certification of Transportation Elements of Comprehensive Plans for Cities and Counties

PSRC's adopted Policy and Plan Review Process will be used to certify that the transportation elements of the comprehensive plans for counties, cities, and towns within the central Puget Sound region are in conformance with state planning requirements and are consistent with the PSRC's Metropolitan Transportation Plan. PSRC, as part of the above process, must also certify that countywide planning policies for King, Kitsap, Pierce, and Snohomish counties and the Metropolitan Transportation Plan are consistent. PSRC's adopted processes provide direction for certifying the transportation elements and countywide planning policies, and also provide an opportunity to coordinate and share information.

Counties, cities, and towns within the region will notify PSRC in writing of amendments to comprehensive plans and countywide planning policies; certification review is required and may result in additional certification of the amendment or transportation element. These review and certification processes are to be used to increase the coordination of the transportation planning activities of the LPTAs, WSDOT, Sound Transit, and PSRC with all local jurisdictions.

6. Procedures for Reviewing the State Transportation Plan and Transit Agency Plans

As part of the PSRC's review process, WSDOT's long-range state transportation plan and the long-range public transportation system plans as developed by LPTAs and Sound Transit to serve the central Puget Sound region shall also be reviewed for consistency with the adopted Metropolitan Transportation Plan. PSRC shall prepare a

report on consistency when it reviews these plans and will make the report available to WSDOT and the Commission, or appropriate local or regional transit agency for review and comment. As required by state law (RCW 81.104.080 and 81.104.090), PSRC will take action on the findings of conformance of Sound Transit's amendments to the Sound Transit System Plan. Upon requests of the LPTAs, PSRC will also take action on findings of conformance on long-range System Plans developed by the LPTAs.

SECTION 7: DISPUTE RESOLUTION

Significant differences between the parties regarding issues not otherwise addressed or covered under a separate dispute resolution process and which are not able to be readily resolved by informal discussion and negotiations between the Executive Directors of PSRC and one or more of the affected LPTA parties, will be submitted for discussion to a dispute resolution panel to be composed of three (3) board members from each party involved in a given dispute. This panel shall be appointed by each party's respective governing board to seek and propose a consensus recommendation of the panel members that shall then be presented for consideration to the full boards of each party.

SECTION 8: TERMINATION

This MOU may be terminated by any party to this MOU upon written notice to the other parties specified in Section 12 Notification, at least six months prior to the start of the other parties' fiscal year. Such notice shall explain the rationale for the declaration of the intent to terminate the MOU and shall confirm that such termination is supported through action of the initiating party in the same manner as the original MOU was approved.

SECTION 9: REPLACEMENT CLAUSE

As of the date of final execution of this MOU, this MOU fully supersedes and replaces any applicable Transportation Planning Agreements entered into between PSRC's predecessor agency, the Puget Sound Council of Governments and each of the six respective LPTAs, and between the Puget Sound Regional Council and Sound Transit.

SECTION 10: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

PSRC, Sound Transit, and the LPTAs shall each comply with all applicable local, state, and federal laws and regulations. Nothing in this MOU alters, or seeks to alter, the existing statutory authority of any party to this MOU under state or federal law. If any of the provisions of this MOU are held to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 11: TERMS

This MOU shall be effective as of the date first written above and shall extend for an indefinite period until terminated by the parties as provided for herein. The responsible individual identified below for each party to this MOU (Section 12) shall review the implementation of the

MOU during the third calendar quarter following the year of initial MOU execution, and every three years thereafter, or upon enactment of major state and/or federal legislation to ensure the MOU is being administered in an effective manner that satisfies the needs of the respective parties.

SECTION 12: NOTIFICATION

Any official notifications among the parties to this MOU that would substantially affect the terms or conditions of this MOU shall be directed to the responsible executives of the other parties noted below:

Regional Council

Bob Drewel, Executive Director
Puget Sound Regional Council
1011 Western Avenue, Suite 500
Seattle, Washington 98104-1035

Sound Transit

Joni Earl, Executive Director
Sound Transit
401 S. Jackson Street
Seattle, Washington 98104

Community Transit

Joyce Eleanor, Executive Director
Community Transit
7100 Hardeson Road
Everett, Washington 98203-5834

Everett Transit

Tom Hingson, Director of Transportation
Services
City of Everett Services
3225 Cedar Street
Everett, Washington 98201

King County Metro

Kevin Desmond, General Manager
King County Metro
King County KSC-TR-0415
201 S. Jackson St.
Seattle, Washington 98104-3856

Kitsap Transit

Richard Hayes, Executive Director
Kitsap Transit
234 South Wycoff
Bremerton, Washington 98312

Pierce Transit

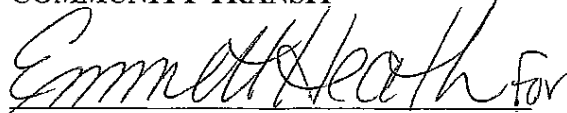
Lynne Griffith, Chief Executive Officer
Pierce Transit
P.O. Box 99070
Tacoma, Washington 98499

City of Seattle

Grace Crunican, Director
Seattle Department of Transportation
700 Fifth Avenue Suite 3800
P.O. Box 34996
Seattle, WA 98124

This Memorandum of Understanding is approved by the respective parties hereto as of the date first written above.

COMMUNITY TRANSIT



Joyce Eleanor, Executive Director
Emmett Heath, Director of Administration

Attest: _____

PIERCE TRANSIT

Lynne M. Griffith, Chief Executive Officer

Attest: _____

CITY OF EVERETT

Tom Hingson, Director
Transportation Services

Attest: _____

SOUND TRANSIT

Joni Earl, Executive Director

Attest: _____

KING COUNTY METRO

Kevin Desmond, General Manager

Attest: _____

CITY OF SEATTLE

Grace Crunican, Director

Attest: _____

KITSAP TRANSIT

Richard Hayes, Executive Director

Attest: _____

PUGET SOUND REGIONAL COUNCIL



Bob Drewel, Executive Director

Attest: _____

APPROVED AS TO LEGAL FORM:

General Counsel, Puget Sound Regional Council

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COMMUNITY TRANSIT

Joyce Eleanor, Executive Director

Attest: _____

CITY OF EVERETT

Ray Stephanson,
Mayor

Attest: _____
Deputy City Clerk

KING COUNTY METRO

Kevin Desmond, General Manager

Attest: _____

KITSAP TRANSIT

Richard Hayes, Executive Director

Attest: _____

APPROVED AS TO FORM

JAMES D. ILES, City Attorney

PIERCE TRANSIT

Lynne M. Griffith, Chief Executive Officer

Attest: _____

SOUND TRANSIT

Joni Earl, Executive Director

Attest: _____

CITY OF SEATTLE

Grace Crunican, Director

Attest: _____

PUGET SOUND REGIONAL COUNCIL

Bob Drewel, Executive Director

Attest: _____

APPROVED AS TO LEGAL FORM:

General Counsel, Puget Sound Regional Council

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Joyce Eleanor, Executive Director

Attest: _____

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Lynne M. Griffith, Chief Executive Officer

Attest: _____

CITY OF EVERETT

Tom Hingson, Director
Transportation Services

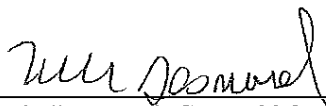
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SOUND TRANSIT

Joni Earl, Executive Director

Attest: _____

KING COUNTY METRO


Kevin Desmond, General Manager

Attest: _____

CITY OF SEATTLE

Grace Crunican, Director


Attest: _____

KITSAP TRANSIT

Richard Hayes, Executive Director

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Bob Drewel, Executive Director

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PIERCE TRANSIT

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CITY OF EVERETT

Tom Hingson, Director
Transportation Services

Attest: _____

SOUND TRANSIT

Joni Earl, Executive Director

Attest: _____

KING COUNTY METRO

Kevin Desmond, General Manager

Attest: _____

CITY OF SEATTLE

Grace Crunican, Director

Attest: _____

KITSAP TRANSIT

Richard Hayes, Executive Director

Attest: _____
Deputy Clerk

PUGET SOUND REGIONAL COUNCIL

Bob Drewel, Executive Director

Attest: _____

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General Counsel, Puget Sound Regional Council

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KING COUNTY METRO

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CITY OF SEATTLE

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KITSAP TRANSIT

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PIERCE TRANSIT

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Tom Hingson, Director
Transportation Services

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SOUND TRANSIT

for
Joni Earl, Executive Director

Attest: _____

KING COUNTY METRO

Kevin Desmond, General Manager

Attest: _____

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Grace Crunican, Director

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Bob Drewel
Bob Drewel, Executive Director

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SOUND TRANSIT

Joni Earl, Executive Director


Attest: _____

CITY OF SEATTLE

Grace Crunican, Director

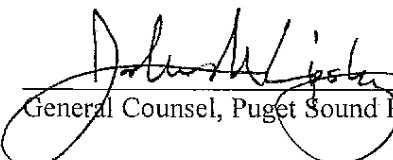
Attest: _____

PUGET SOUND REGIONAL COUNCIL


Bob Drewel, Executive Director

Attest: _____

APPROVED AS TO LEGAL FORM:


General Counsel, Puget Sound Regional Council

